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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB - 8 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)
)
 Rulemaking to Amend Part 1 and)
 Part 21 of the Commission's Rules)
 to Redesignate the 27.5-29.5 GHz)
 Frequency Band and to Establish)
 Rules and Policies for Local)
 Multipoint Distribution Services)
)
 Applications for Waiver of the)
 Commission's Common Carrier)
 Point-to-Point Microwave Radio)
 Service Rules)

CC Docket No. 92-297

RM-7872, RM-7722

TO: The Commission

PETITION FOR RECONSIDERATION

The Committee to Promote Competition In the Cable Industry (the "Committee"), comprised of applicants whose applications to provide local wireless broadband service in the 28 GHz band pursuant to a waiver were dismissed in the captioned rulemaking proceeding,¹ hereby seek reconsideration of the Commission's summary dismissal of such applications. Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Notice"), FCC 92-538, released January 8, 1993. The Committee concurs in the legal arguments advanced in the Petition for Reconsideration being filed concurrently by Video/Phone Systems, Inc. ("Video/Phone"), demon-

1 The names of the applicants are attached hereto. The file numbers and markets for which applications were made can be found in Appendix C to the Notice.

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strating that the Commission's wholesale dismissal of the pending applications is without valid support.

Moreover, the factual basis for one of the Commission's arguments, that grant of the waivers would be detrimental to the assigned point-to-point users, is incorrect at least insofar as our applications are concerned. We are aware of no current licensee that would be displaced by grant of the applications, and in addition, in light of our planned deployment and use of the spectrum, there would be adequate spectrum available to meet the needs of future point-to-point applicants, if any were to be subsequently filed. Thus, for the reasons articulated by Video/Phone, as well as the absence of a detrimental impact on point-to-point licensees from a grant of the waiver request and applications, we request that the Commission reconsider its order and reinstate our applications.

Respectfully submitted,

**THE COMMITTEE TO PROMOTE COMPETITION
IN THE CABLE INDUSTRY**

By: Michael G. Neville
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February 8, 1993

APPLICANT

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AKZ INVESTORS
ALTERNATIVE BROADCAST NETWORK, INC.
FAITH C. AMBY
BAY BROADCASTING ASSOCIATES
PALLISADES BROADCASTING
CACTUS TELEVISION INTERESTS
CARISSIMI GROUP
CENTENNIAL BROADCASTERS
CLASSIC BROADCASTING
CYRUS PARTNERSHIP
DAYTON WIRELESS
FM VIDEO BROADCASTERS
FORESIGHT COMMUNICATIONS
JONATHAN E. FRIEND
GHZ BROADCASTING, INC.
ROBIN V. GILIO
PERRY W. HADDON
MICHAEL HAZELTINE
HIGH BAND BROADCASTING CORP.
HAROLD HORNBY
HENRY R. HORNBY
LEONARD HUGHES
ILOHCA CORP.
MICHAEL JACOBS
PAUL N. KELLY
KIM PARTNERSHIP
KING BROADCASTING ASSOC.
KINGSWOOD ASSOCIATES
MARK J. KONRAD
ABDREW J. KRZETTOWSKI

MICHAEL H. LEVIN
MADISON WIRELESS
MAH, INC.
MELBOURNE ASSOCIATES
METROCOM TELECASTING
METTLER COMMUNICATIONS, INC.
PATRICIA B. MILANI
MSGC PARTNERS
M3 ILLINOIS TELECOMMUNICATIONS CORP.
NEW SOUTH ASSOCIATES
NIAGRA PARTNERS
NORTHEAST WIRELESS
NORTHWEST TELECOMMUNICATIONS CORP.
OCEAN PARTNERSHIP
PAUL D. RICE
STEVEN P. SEITER
SENVISTA GENERAL PARTNERSHIP
MARK K. SHAH
SHENANDOAH GROUP
MARK SILBERMAN
WILLIAM L. SMITH
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WIRELESS CABLE, LTD.